



Republican
National
Committee

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2004 NOV 30 A 11: 1 P

November 26, 2004

VIA FACSIMILE AND FIRST CLASS MAIL

Jeff S. Jordan, Esq
Complaints Examination & Legal Administration
Office of the General Counsel
Federal Election Commission
999 E St , NW
Washington, DC 20463

RE MUR 5548

Dear Mr. Jordan

Enclosed please find the response of the Republican National Committee and Michael L. Retzer, as treasurer, and the Committee on Arrangements for the 2004 Republican National Convention and Michael L. Retzer, as treasurer, in the above-captioned matter.

Please contact the RNC Counsel's Office at (202) 863-8638 if you have any questions

Sincerely,

Eric Brown
Deputy Counsel

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION

2004 NOV 30 1 A 11: 23

In the Matter of)
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Complaint filed by Jerry H. Goldfeder)

MUR 5548

**RESPONSE OF THE COMMITTEE ON ARRANGEMENTS FOR THE 2004
REPUBLICAN NATIONAL CONVENTION, THE REPUBLICAN NATIONAL
COMMITTEE, AND MICHAEL L. RETZER, AS TREASURER OF BOTH
COMMITTEES TO THE COMPLAINT OF JERRY H. GOLDFEDER**

The Committee on Arrangements for the 2004 Republican National Convention ("Convention"), the Republican National Committee ("RNC"), and Michael L. Retzer, as treasurer of both committees, respectfully submit this response to the complaint filed by Jerry H. Goldfeder, designated as MUR 5548. The complainant alleges that amounts paid to LogiCom for participation in events in New York City during the period of the Republican Convention (August 29, 2004 through September 2, 2004) constitute excessive, prohibited, and unreported contributions to the RNC or the Convention, in violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

LogiCom Project Management ("LogiCom") was a provider of events and activity services to individuals in New York City during the Republican National Convention. Based on LogiCom's fee schedule, individuals could arrange accommodations, meals at restaurants, and other activities scheduled during the week of the convention in New York. LogiCom's services were marketed and provided directly to interested individuals, and differed in no material way from the services arranged between the thousands of people who visited New York City every day during the convention and the numerous hotels, restaurants, and tour companies serving their needs.

The RNC and the Convention report all receipts and disbursements in accord with the requirements of the Act and Commission regulations. Fees paid to the LogiCom, for-profit travel management corporation simply were not contributions under Commission regulations, and thus need not be reported. 11 C.F.R. § 100.52. Section 100.53 of the Commission's regulations provides, "The entire amount paid to attend a fundraiser or other political event and the entire amount paid as the purchase price for a fundraising item sold by a political committee is a contribution." 11 C.F.R. § 100.53. LogiCom's activities were not fundraisers or political events and 11 C.F.R. § 100.53 does not govern the fees paid to companies like LogiCom, as this regulation would not apply to amounts paid by individuals and corporations for meals, lodging, or other activities during the convention. As the Commission concluded in a similar context, "the temporal and geographic proximity of these events to Presidential nominating conventions does not subject the events to regulation under FECA solely because of that proximity." *Final Rule, Public Financing of Presidential Candidates and Nominating Conventions*, 68 Fed. Reg.

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47486, 47405 (Aug 8, 2003) The Commission's regulations can hardly reach arrangements such as these when none of the activity includes a solicitation or acceptance of federal political contributions, no communication promotes, attacks, supports, or opposes a federal candidate, and no communication expressly advocates the nomination, election, or defeat of any federal candidate

The complainant relies on a defective view of the law and the facts While the complainant assigns legal significance to the prospect that events arranged by LogiCom's were not open to the general public, there is none The vast majority of events held in New York and Boston during the time of the Republican and Democrat national conventions were not open to the general public, yet it can not be credibly asserted that the costs of these disparate events would be imputed as contributions to or expenditures by the RNC or Democratic National Committee If, for example, the AFL-CIO had a travel agency authorized to market travel and event packages in Boston during the Democrat convention to union members and their guests, the fees paid to that travel and event firm would not be contributions to the Democrat convention simply because the general public did not have access to purchase those packages (marketed exclusively to AFL-CIO members). The situation to LogiCom is analogous The complainant's bold and unsubstantiated second assertion, that the RNC or Convention planned and held these events, is false LogiCom planned and held these events, just as hundreds of restaurants, hotels, and tour companies planned and held hundreds of events in the convention cities for delegates, their spouses and families, guests, officeholders, and members of the public As the remaining charges in the complaint flow from this flawed view of the law and the facts, they are without merit

A primary requirement of complaints under the Act and Commission regulations provides that complaints should contain a recitation of facts "which describe a violation of a statute or regulation over which the Commission has jurisdiction " 11 C F R § 111.4(d)(3)(emphasis added) The complainant in this matter sets forth factual information based on newspaper reports, yet arrives at erroneous, unwarranted legal conclusions based on these facts Thus, the complaint requires dismissal 2 U S C § 437g The Commission should therefore find no reason to believe that the Committee on Arrangements for the 2004 Republican National Convention, the Republican National Committee, and Michael L Retzer, as treasurer of both committees, violated any provision of the Act in MUR 5548 and close the file in this matter

Respectfully submitted,

November 26, 2004

Jill Holtzman Vogel by 88B

Jill Holtzman Vogel

Chief Counsel

Charles R Spies

Election Law Counsel

Counsel for the Committee on Arrangements for the 2004 Republican National Convention,

Michael L Retzer, as treasurer, and Republican National Committee, Michael L Retzer, as

treasurer